REMARKS/ARGUMENTS

By this Amendment, Fig. 5 and claims 1 and 16 are amended and claims 21-29 are added. Claims 1-4, 12-16, 19 and 20-29 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

New claims 21-29 correspond to original claims 5-11 and 17-18, which were canceled by prior attorneys for Applicant. The claims are identified as "New" rather than "Reinstated - formerly claim #" because of minor differences, including claim dependencies. These claims read on the non-elected species of the invention. However, these claims should be examined in this application along with generic claims 1 and 16, which are shown to be allowable for the reasons discussed below.

Support for the amendments is apparent in the original disclosure, e.g., at page 11, line 16 to page 12, line 3.

Drawing Objections

The drawing objections are obviated by the drawing corrections proposed in the attached Replacement Sheet, wherein Reference No. 140a is added and Reference No. 132 is deleted.

Accordingly, reconsideration and withdrawal of the drawing objections are respectfully requested.

Claim Rejections

Claims 1, 2, 4 and 16 stand rejected under 35 U.S.C. § 102(b) as allegedly being

anticipated by Fenton. This rejection is respectfully traversed.

Fenton fails to disclose or suggest the dampener of the claimed invention.

The Final Rejection interprets the two-spring system of Fenton as teaching the use of one of the springs (H) as a dampener for the other spring (G). See Final Rejection at page 3, lines 4-8, which asserts that spring H functions "to dampen displacement of the second end of the shaft away from the frame, wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position [citations omitted]."

However, a careful reading of Fenton reveals that neither spring appears to interact with the other spring. As shown in Figs. 1A and 1B (which were created by Applicants using Fenton's drawings), when the second end of the shaft is compressed by an impact force toward the frame (A), spring G is compressed (contrary to Fenton's explanation at column 3, lines 20-28, but in accordance with the interpretation in the Final Rejection), and rod E slides through nut F to expand the volume of the left-hand chamber defined by head D and nut F (Fig. 1A). Thus, when the impact force is released, spring G is free to spring back to its pre-impact position without any dampening by spring H, which is unable to exert any counterforce against the contraction of the left-hand chamber until the pre-impact position is restored and the ends of spring H are in contact with nut F as well as head D (Fig. 1B). Any dampening applied by spring H against spring G at the pre-impact position or beyond (i.e., when spring G is expanded beyond its pre-impact position) is irrelevant to the claimed invention.

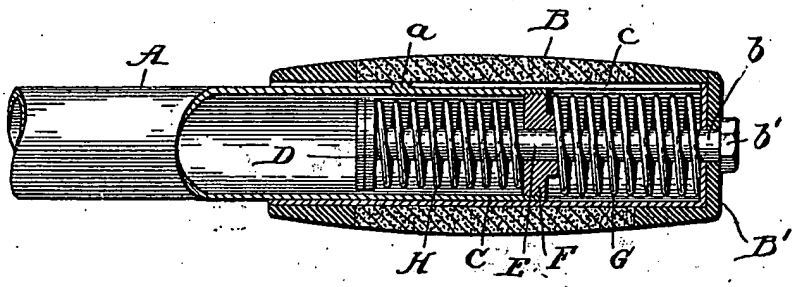

FIG. 1A. Cross-sectional view of pre-impact position of Fenton apparatus.

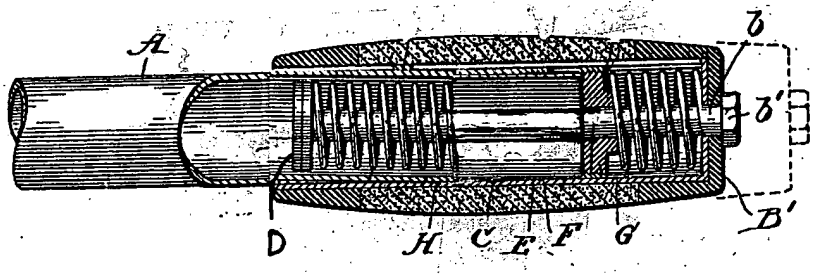

FIG. 1B. Cross-sectional view of post-impact position of Fenton apparatus.

As Fenton fails to identically disclose all the limitations of the claimed invention, the anticipation rejection must be withdrawn. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1, 2, 4 and 16 are respectfully requested.

Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Fenton in view of Noel. This rejection is respectfully traversed.

Fenton fails to identically disclose all the limitations of the claimed invention for at least the reasons noted above. Regardless of whether the Final Rejection is correct that one of ordinary skill in the art would have found it obvious to combine with the teachings of Fenton Noel's alleged teachings of a compressible cap coupled with a shaft end, the proposed combination of reference teachings still fails to disclose or suggest all the limitations of the claimed invention. For example, Noel fails to remedy the failure of Fenton to disclose the dampener limitation of the claims.

Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 3 and 15 are respectfully requested.

Claims 12-14 and 19-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Fenton in view of Johnsen. This rejection is respectfully traversed.

Johnsen is cited in the Final Rejection in an attempt to remedy the acknowledged deficiency of Fenton to teach an air flow dampener having a first orientation and a second orientation to slow displacement of the second end of the shaft toward and away from the frame.

Fenton fails to identically disclose or suggest the dampener limitation of the present

claims for at least the reasons noted above. Combining the dampener taught by Johnsen with the teachings of Fenton would not reach the claimed invention. Applicants' base claim 1 recites:

> [A] dampener operatively associated with the shaft, the frame and the bias member, said dampener being adapted to dampen displacement of the second shaft end away from the one tubular outer end of the frame in response to compression of the bias member from a pre-impact position to a compressed position by an impact force with said frame, such that after the impact force is released, said dampener slows a return speed of said bias member from the compressed position to the pre-impact position for preventing the second shaft end from springing back to a second shaft end pre-impact position at an undampered return speed. [Emphasis added.]

Base claim 16 contains similar language, as do dependent claims 12-14 and 19-20.

On the other hand, as shown by Fig. 5 of Johnsen, it is clear that any dampening effect provided by piston subassembly 71 would have no effect on the return speed of bias members 30 and 66 from a compressed position to a pre-impact position. Springs 30 and 66 appear to move freely. Thus, the proposed combination of reference teachings fails to meet all the features of the claimed invention.

Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 12-14 and 19-20 are respectfully requested.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.